

Remarks

For the Claims:

Applicants submitted claims 1-20, of which claims 1 and 12 were independent claims. This Office Action rejects claims 1-2 and 4-20, and objected to claim 3 as being dependent upon rejected base claims. Applicants amend claims 3 and 12 and retains claims 1-2, 4-11, and 13-20 as originally submitted. Although claim 3 is amended herein into an independent form, no additional fees are required by this amendment. Applicants respectfully request reconsideration.

This Office Action rejects claims 1, 4-5, and 7-11 under 35 U.S.C. 102(b) as being anticipated by Hessell et al., U.S. Design Patent No. D465,353 (hereinafter Hessell).

Regarding independent claim 1, the applicants claim a substantially horizontal bottom panel, a left panel, a right panel, and a top panel oblique to the bottom panel. This Office Action asserts that Hessell teaches left and right panels, a bottom panel, and an oblique top panel.

Hessell clearly teaches a stepped, not oblique, top panel (FIGs. 1-6). The Random House Webster's Unabridged Electronic Dictionary, copyright © 1999 by Random House, Inc., has a primary (first) definition of "oblique" as "neither perpendicular nor parallel to a given line or surface; slanting; sloping." Some portions (the "treads") of the stepped top panel of Hessell are parallel to the bottom panel. Other portions of the stepped top panel (the "risers") are perpendicular to the bottom panel. No

portion of the stepped top panel of Hessell is oblique to the bottom panel.

Hessell does not teach the oblique top panel claimed in independent claim 1. Independent claim 1 is therefore not anticipated by Hessell.

Additionally, Hessell teaches a stepped top panel. The portions of that top panel actually displaying the eyeglasses are horizontal. As discussed by the applicants in paragraph [0004] of the Background portion of the Specification:

[0004] Another type of self-service merchandising display has a substantially horizontal flat surface upon which the eyeglasses are displayed in a folded configuration. Such a display may fail to exhibit the eyeglasses in a position approximating the position of the eyeglasses when worn by a person standing or sitting. At best, the folded eyeglasses are left "staring up," as though worn by a person lying on his/her back. More often, the flat surface of the display may cause the eyeglasses to assume a back-tilting attitude in which the "lower" edges of the lenses are above the "upper" edges. Eyeglasses displayed in such an unnatural attitude may fail to catch the eye of a customer. This may in turn result in lost sales.

The horizontal top panel sections of Hessell have exactly the problem described therein, being that the eyeglasses displayed thereupon are not displayed in a "natural" or customer-attracting attitude.

In the present invention, the applicants have addressed and provided a solution for this display attitude problem above and beyond that taught by Hessell. It would not be obvious to one of

ordinary skill in the art to use Hessell to cure the very problems caused by Hessell.

The applicants believe independent claim 1 to be allowable as originally submitted. The applicants respectfully request reconsideration of independent claim 1.

Regarding claim 5, the applicants claim a back panel substantially perpendicular to the bottom panel. This Office Action asserts that Hessell teaches a back panel.

By noting all the Figures of Hessell, especially FIG. 5 (the rear view), it can be seen that Hessell has no back panel at all. Since Hessell does not show a back panel, Hessell certainly does not teach or suggest a back panel perpendicular to the bottom panel claimed in claim 5. Claim 5 is therefore not anticipated by Hessell.

The applicants believe claim 5 to be allowable as originally submitted. The applicants respectfully request reconsideration of claim 5.

Regarding claim 7, the applicants claim the bottom, left, and right panels are formed of a first piece of material, and the top and back panels are formed of a second piece of material. This Office Action asserts that Hessell teaches panels of one-piece construction and a back panel.

FIGS. 3 and 6 of Hessell clearly show that the left and right panels are each two-piece "panels," with one piece being the sides of the lower or "storage" area and the other piece being the sides of the upper or "display" area. The left, right, and

bottom panels therefore cannot be formed of one piece of material.

As discussed hereinbefore in conjunction with claim 5, FIG. 5 of Hessell clearly shows that Hessell has no back panel. There being no back panel, the top and back panels cannot be formed of one piece of material.

Hessell does not teach the two-piece, multi-panel construction claimed in claim 7. Claim 7 is therefore not anticipated by Hessell.

The applicants believe claim 7 to be allowable as originally submitted. The applicants respectfully request reconsideration of claim 7.

Regarding claim 8, the applicants claim the back panel has a bottom edge displaced from the bottom panel. As discussed hereinbefore in conjunction with claim 5, Hessell teaches no back panel. Again, there being no back panel, Hessell neither teaches nor suggests a back panel having a displaced bottom edge as claimed in claim 8. Claim 8 is therefore not anticipated by Hessell.

The applicants believe claim 8 to be allowable as originally submitted. The applicants respectfully request reconsideration of claim 8.

In addition, claims 4-5 and 7-11 are dependent from independent claim 1. The applicants believe claims 4-5 and 7-11 are therefore allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claims 4-5 and 7-11.

This Office Action rejects claim 2 under 35 U.S.C. 103(a) as being unpatentable over Hessell in view of Broersma, U.S. Patent No. 2,532,600 (hereinafter Broersma).

Regarding claim 2, the applicants claim a display unit comprising a plurality of divider strips coupled to the oblique top panel. This Office Action asserts that Broersma teaches the use of dividers, and that it would be obvious to combine the teachings of Broersma with those of Hessell.

As discussed hereinbefore in conjunction with independent claim 1, Hessell does not teach an oblique top panel. Neither does Broersma teach an oblique top panel. It would not be obvious to one of ordinary skill in the art to combine Broersma with Hessell to achieve an oblique top panel because neither reference teaches or suggests such a thing.

The applicants therefore believe claim 2 to be allowable as originally submitted. In addition, claim 2 is dependent from independent claim 1. The applicants believe claim 2 is also allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claim 2.

This Office Action rejects claim 6 under 35 U.S.C. 103(a) as being unpatentable over Hessell in view of Breining et al., U.S. Patent No. 4,150,752 (hereinafter Breining).

Claim 6 is dependent from independent claim 1. The applicants believe claim 6 is allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claim 6.

This Office Action rejects claims 12-20 under 35 U.S.C. 103(a) as being unpatentable over Brozak, Jr., U.S. Patent No. 6,443,317 (hereinafter Brozak) in view of Hessell.

Regarding independent claim 12, the applicants claim a display system comprising left and right frames and a plurality of display units coupled between and supported by the left and right frames. Each of the display units comprises a substantially horizontal bottom panel, left and right panels coupled substantially perpendicularly to the bottom panel, and a top panel coupled between the left and right panels oblique to the bottom panels. This Office Action asserts that Brozak teaches a display system in which display units are mounted between two frames, and that it would have been obvious to mount multiple Hessell displays in the system of Brozak.

Hessell teaches a stepped top panel. As discussed hereinbefore in conjunction with independent claim 1, and in paragraph [0004] (supra) of the Background portion of the Specification, the horizontal top panel sections of Hessell do not display eyeglasses in a "natural" or customer-attracting attitude.

Furthermore, in the present invention the applicants claim a plurality of display units stacked vertically (FIGs. 8 and 9). When the display units having stepped top panels are stacked in this manner, another display problem is encountered. As discussed by the applicants in paragraph [0005] of the Background portion of the Specification:

[0005] An alternative "flat-topped" display may have the flat display areas in steps. With such displays, the stepping brings the upper display areas under the bottoms of other

display areas when the displays are mounted vertically. This greatly decreases the visibility of the upper-area eyeglasses on the lower displays.

In the present invention, the applicants have addressed and provided a solution for these and other display problems above and beyond those taught by Hessell. It would not be obvious to one of ordinary skill in the art to use Hessell to cure the very problems caused by Hessell.

The applicants have amended independent claim 12 to more strongly demonstrate that the claimed top panel is oblique to the bottom panel. As discussed hereinbefore in conjunction with independent claim 1, Hessell does not teach an oblique top panel. Nor is an oblique top panel taught by Brozak.

It therefore would not be obvious to one of ordinary skill in the art to combine the display units of Hessell with Brozak, as this would not achieve applicants claimed oblique top panel. Rather, a combination of Hessell with Brozak would be understood by those skilled in the art to replace the Brozak vertical display panels with the Hessell stepped top display panels.

In addition, the frames claimed by the applicants are structural members and support the display units. The applicants have further amended claim 12 to more strongly indicate the supportive nature of the frames. This is supported by FIGs. 8 and 9, which clearly show the frames 202 and 204 supporting a plurality of display units 100. This is further supported in the specification in paragraphs [0060] and [0061], which state:

[0060] In the preferred single-faced embodiment of FIG. 8, five display units 100 are positioned vertically between rigid left and right frames 202 and 204, along with a mirror 208 and

signage 206. Being single-faced, display system 200 faces in a single given direction 210. Each display unit 100 also faces in this given direction.

[0061] Mounting holes 184 are located in left and right panels 150 and 160 of each display unit 100. These mounting holes 184 line up with a vertical line of mounting holes 184 in left and right frames 202 and 204. Frames 202 and 204 may be attached to display units 100 through mounting holes 184 using conventional bolts and nuts.

The structure of Brozak is radically different from the structure of the present invention. The "left and right frames 14" cited by this Office Action are not frames (i.e., are not structural support members). This is supported in Brozak at column 3, lines 4-6 and lines 15-21, which state:

The display unit 1 has at least one display panel 2 and a receiving unit 3 configured to accept display panel 2.

[T]he display unit also comprises surfaces 14 of the receiving unit 3, located between display panels 2 which can hold mirrors 16 or other items such as additional product display or placards. In addition, surfaces 14 can display advertisements or additional information concerning the products displayed by the display unit 1.

While the Brozak display units 2 are positioned near surfaces 14, FIG. 5 of Brozak clearly shows that display panels 2 are not coupled to either of surfaces 14. Surfaces 14 are therefore not "frames" and do not support display unit 2.

Surfaces 14 not being structural support members, it would not be obvious to one of ordinary skill in the art to couple a plurality of Hessel display units to the surfaces 14 of Brozak.

In addition, the display units of Brozak do not constitute display units in the same sense as those of Hessell and the present invention. The display units of Brozak are polygonal, whereas the display units of Hessell and the present invention are polyhedral. This difference in form requires a corresponding difference in mounting. One of ordinary skill in the art would perceive that the top-and-bottom mounting scheme of Brozak, while adequate for the polygonal display unit of Brozak, is insufficient for the polyhedral display units of Hessell and the present invention. Thus, the substitution of one form of display for the other would not be obvious to one of ordinary skill in the art.

The applicants believe independent claim 12 to be allowable as amended. The applicants respectfully request reconsideration of independent claim 12.

In claims 16 and 18, the applicants claim the frames are substantially right trapezoids and isosceles trapezoids, respectively. This Office Action asserts the surfaces 14 of Brozak are frames. The construction of Brozak requires those surfaces be substantially rectangular. One of ordinary skill in the art would not be inspired to replace the rectangular surfaces of Brozak with the trapezoidal frames of the present invention as this would render Brozak unworkable for its intended purposes.

The applicants therefore believe claims 16 and 18 to be allowable as originally submitted. The applicants respectfully request reconsideration of claims 16 and 18.

In claim 20, the applicants claim a mirror coupled between the left and right frames. This Office Action asserts that Brozak teaches frames 14 onto which mirror 16 is mounted. This

is true, but irrelevant, as mirror 16 does not couple between frames 14, as claimed in applicants' claim 20.

The applicants therefore believe claim 20 to be allowable as originally submitted. The applicants respectfully request reconsideration of claim 20.

In addition, claims 13-20 are dependent from independent claim 12. The applicants believe claims 13-20 are therefore allowable as originally submitted by reason of dependency. The applicants respectfully request reconsideration of claims 13-20.

This Office Action objects to claim 3 as being dependent upon a rejected base claim. This Office Action asserts that claim 3 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As originally submitted, claim 3 depended from claim 2, which in turn depended from independent claim 1. The applicants have rewritten claim 3 in independent form including all of the limitations of claims 1 and 2.

The applicants believe claim 3 to be allowable as rewritten. The applicants respectfully request reconsideration of claim 3.

Accordingly, this Amendment amends claims 3 and 12. Currently amended claims 3 and 12 remain in the application and are believed to be allowable. In addition, claims 1-2, 4-11, and 13-20 remain in the application as originally submitted and are believed to be allowable.

Applicant believes that the foregoing amendments and remarks are fully responsive to the rejections and/or objections recited

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in the 13 October 2004 Office Action and that the present application is now in a condition for allowance. Accordingly, reconsideration of the present application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jordan M. Meschkow', written over a horizontal line.

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